

United States District Court

for the

Eastern District of Arkansas

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAY 01 2006

JAMES W. MCCORMACK
By: *[Signature]* CLERK
DEP CLERK

Name of Offender: Johnny Lee Jackson Jr.

Case Number: 4:93CR00218-01 GTE

Name of Sentencing Judicial Officer: Honorable Garnett Thomas Eisele
U.S. District Judge

Date of Original Sentence: January 10, 1995

Original Offense: Count one: Conspiracy to possess with intent to distribute A schedule II substance, cocaine base within 1,000 feet of playground; 21:846, 841(a)(1) and 860(a)

Count Ten: Aiding and abetting in use of firearm during a drug-trafficking offenses; 18:924(c) and 2

Original Sentence: 1/10/95: 20 months BOP on count one and 60 months BOP on count 10 to run consecutively to count one, 8 years TSR, drug aftercare program, mandatory drug screening, and \$100 SPA

11/7/96: Court order modifying judgement and commitment - conviction on count 10 vacated - remainder of judgement and commitment unchanged: correct sentence on remaining count one is 20 months

8/25/97: Court order - memorandum opinion and order modifying judgement and commitment on 11/7/96 vacated - the conviction of one count of using a firearm in violation of 18:924(c) is reinstated - remainder of judgement and commitment in effect.

12/22/97: Judgment received - defendant shall receive credit for all time served from 4/30/96 to 12/3/96 toward the reinstated 60 months period of incarceration, defendant shall receive credit for TSR already served, report to serve reinstated sentence by 1/12/98.

1/12/98: BOP time to begin 1/26/98.

8/01/05: Modification - 5 months home incarceration with electronic monitoring and mental health treatment.

Type of Supervision: Supervised Release

Date Supervision Commenced: December 3, 1996 -
January 26, 1998

Recommended: July 13, 2001

Expiration Date: May 20, 2008

Asst. U.S. Attorney: Kevin Alexander

Defense Attorney: Jerome Kearney

U.S. Probation Officer: Kenny Davis

Phone No.: 870-534-8483

PETITIONING THE COURT

To modify the conditions of supervision as follows:

Mr. Johnny Jackson will reside and participate in a community correctional center at the City of Faith, Little Rock, Arkansas, for a period of six months during which time he will seek and

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maintain employment. Mr. Jackson will also undergo mental health treatment and substance abuse treatment while housed at the City of Faith.

CAUSE

Mr. Jackson admitted to using marijuana on or about December 24, 2005. He also tested positive for marijuana on October 12, November 2, and December 5, and 15, 2005. On November 15, 2005, Mr. Jackson's urine specimen was not consistent with normal human urine (diluted). Mr. Jackson failed to report for drug testing January 10, February 3, 6, and 27, March 7, 15, 24, and 27, and April 7, and 10, 2006. Mr. Jackson also admitted to using marijuana on or about December 24, 2005.

On December 5, 2005, Mr. Jackson was delinquent arriving for his mental health appointment which caused him to be rescheduled for January 12, 2006. Mr. Jackson failed to attend mental health treatment on February 23, 2006.

Mr. Jackson was delinquent submitting his December 2005, and January 2006, which were submitted on February 24, 2006. He has failed to submit his February and March 2006, monthly supervision reports.

On August 10, 2005, Mr. Jackson was placed on electronic monitoring. His approved schedule allowed him to be out from 3:30 p.m. to 2:00 a.m. for work, Monday through Friday. On September 9, 2005, the defendant was late for his 2:00 a.m. curfew, in that he returned back in range at 2:43 a.m. On October 8, 2005, the defendant was late for his 2:00 a.m. curfew, in that he returned back in range at 2:54 a.m. On October 12, 2005, the defendant was late for his 2:00 a.m. curfew, in that he returned back in range at 2:36 a.m. On each violation, the defendant stated he was late getting off work; however, he has failed to provide documentation of his work hours. On January 9, 2006, the defendant went out of range at 8:37 a.m., without the permission of probation, and he returned back in range at 11:51 a.m.

History of Supervision: On August 1, 2005, Mr. Jackson's supervised released conditions were modified to include home incarceration with electronic monitoring for a period of five months and mental health treatment due to the following violations: Mr. Jackson admitted to using marijuana in mid-March 2005. On or about April 27, 2005, Mr. Jackson also changed his residence from 34 Jack Dante, Dumas, AR 71639, to 306 Vine Street, Mitchellville, AR 71639, without providing notification to the probation office of his change of residence. Mr. Jackson stated he had been under a lot of mental stress after witnessing the death of a cousin, who was a victim of a shooting incident.

Mr. Jackson advised the probation office that he resigned from his former employer, ARKAT Nutrition on April 16, 2004. However, ARKAT Nutrition advised the probation office that the defendant was terminated for failing a random drug screen. On July 19, 2004, Mr. Jackson admitted to taking his girlfriend's prescribed medication (codeine).

Prob 12B

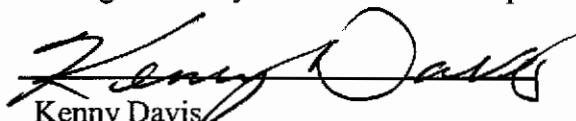
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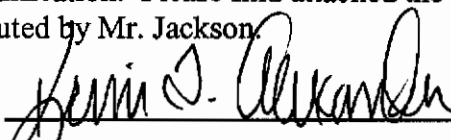
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This probation officer has discussed the defendant's community correctional center placement with his attorney, Jerome Kearney, who has no objections to the modification. Please find attached the waiver of hearing to modify the conditions of supervised release executed by Mr. Jackson.



Kenny Davis
U.S. Probation Officer



Kevin Alexander
Assistant U.S. Attorney

Date: April 20, 2006

Date: 4.24.06

This form is to be filed with Criminal Docketing as a motion.

THE COURT ORDERS:

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



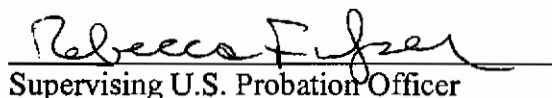
Signature of Judicial Officer

May 1, 2006

Date

This form is to be filed with Criminal Docketing as an order and/or petition.

Approved:



Supervising U.S. Probation Officer

KND/vlb

c: First Assistant Federal Public Defender, Jerome Kearney, 1401 West Capitol Avenue, Suite 490,
Little Rock, AR 72201
Assistant U.S. Attorney, Kevin Alexander, P.O. Box 1229, Little Rock, AR 72203

PROB 49

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF ARKANSAS

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Mr. Johnny Jackson will reside and participate in a community correctional center at the City of Faith, Little Rock, Arkansas, for a period of six months during which time he will seek and maintain employment. Mr. Jackson will also undergo mental health treatment and substance abuse treatment while housed at the City of Faith.

Witness: [Signature] Signed: [Signature]
U.S. Probation Officer Probationer or Supervised Releasee

Attorney: _____

1-2-06
DATE